

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4195 of 2026

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1. Manoj Singh S/o Potan Singh, R/o Village-Baghakhand, P.O. Pradhanachak, P.S. Khaira, District-Jamui, Bihar.
 2. Anjay Singh, S/o Potan Singh, R/o Village-Baghakhand, P.O. Pradhanachak, P.S. Khaira, District-Jamui, Bihar.
 3. Sannu Kumar Singh, S/o Potan Singh, R/o Village-Baghakhand, P.O. Pradhanachak, P.S. Khaira, District-Jamui, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Bihar, Patna.
2. The District Magistrate, Jamui.
3. The District Mining Officer, Jamui.
4. The Circle Officer, Khaira, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Prakash Sahay, Advocate Mrs. Ankita Kumari, Advocate
For the Respondent/s	:	Mr. Government Advocate (05)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard Mr. Aditya Prakash Sahay, learned counsel for the petitioner, Mr. Naresh Dikshit, learned Spl.P.P., Mines Department and the State.

2. The present petition has been preferred for the following relief(s):

“i. For issuance of an appropriate writ(s), order(s) or direction(s) in the nature of mandamus directing the respondents to allow the petitioner to remove or sell the sand silted upon his



raiya agricultural land due to flood, thereby enabling the restoration of the land for cultivation.

And/or;

ii. For issuance of an appropriate writ(s), order(s) or direction(s) in the nature of mandamus for directing the State authorities to remove the sand from petitioner's land at Government cost. And/or;

iii. For restraining authorities from initiating any criminal/illegal mining proceedings against the petitioner for restoration of his own land. And/or

iv. For any other relief(s) to which the petitioner is entitled in the facts and circumstances of the case.”

3. The petitioner owns a piece of agricultural land under Circle Khaira in the district of Jamui, with the following details:-

“(i) khata No. 73;

(ii) khesra No. 474;

(iii) area 8 decimals.”

4. The contention in the writ petition is that the land is



near to river Suknar and pursuant to change of course, it gets flooded during rainy season. In the year 2025 also, after the rainy season, heavy deposition of sand has taken place, making the land uncultivable and in that background, a representation was sent to the District Magistrate, Jamui, on 25.06.2025 either to remove the sand or allow him to do the same. (Annexure - P/2 to the writ petition).

5. The District Mining Office, Jamui, thereafter, and despite the details of the land in the representation itself, vide letter no. 1070 dated 30.07.2025, asked the Circle Officer, Khairia to provide a report. There is nothing on record to show whether the Circle Officer, Khairia provided the report or not and the petitioner is suffering.

6. The Mines Department has come up with a counter-affidavit and instead of straightaway answering to the limited point raised by the petitioner, the contention in the counter-affidavit is that the petitioner has not exhausted its statutory remedy, and as such, the writ petition be dismissed.

7. This Court can only show its anguish on the way the statement of fact is/are being sent to the learned counsel. A simple prayer has been made: either to remove the sand and/or to allow him to lift the same. Instead of immediately taking note



of the fact and do the needful so that a common citizen do not suffer, the contention is that he should move before a statutory authority. It is accordingly rejected.

8. The writ petition is disposed of with a direction to the respondent no. 3, the District Mining Officer, Jamui, to take immediate steps and decide on:-

“(i) the lifting of the sand;

(ii) allow the petitioner to remove the sand.”

9. This decision has to be taken within a period of three weeks from the date the petitioner, armed with the present order, submits its representation before the concerned respondent no. 3.

10. Needless to add, if no report has been sent by the Circle Officer, Khaira, Jamui, the respondent no. 3, the District Mining Officer, Jamui, is duty-bound to seek the same within the said time frame itself.

11. Mr. Saurav Kumar, learned counsel representing the State submits that he shall be informing the Circle Officer, Khaira, Jamui, today itself and shall ensure that necessary report, if not sent, is immediately sent to the concerned respondent.

12. Further, if the respondent decide to lift the sand on



their own, the said process has to be completed within a period of four weeks from the date they take a decision. Failing to do so, the petitioner shall be entitled to a cost of Rs. 20,000/- to be paid by the concerned Officer from his/her own pocket.

(Rajiv Roy, J)

Adnan/-

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